IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7797 of 1998

DATED: 4.4.2007

Between:

Y.Koteswara Rao petitioner

And

Chief Engineer (O & M),
Srisailam Project,
APSEB, Kurnool dist and ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITINO NO. 7797 OF 1998

ORAL ORDER:

This writ petition is filed seeking the following relief;

> "….declaring the action of the first and second respondents in issuing Memo No.CEE/O&M/SLM.UNIT/ADM/F.Seniority/103/95 dated 16.2.1995 and Memo No.SE/O&M/SLMP/F.7/D No.163/95 dated 8.2.95 respectively without considering the date of first appointment of the petitioner as illegal and arbitrary and consequently direct the respondents 1 & 2 to set aside the memos issued by the 1& 2 respondents in Memo No.CEE/O&M/SLM.Unit/ADM/F.Seniority/103/95 dated 16.2.95 and Memo no.SE/O&M/SLMP/F..7/D No.163/95 dated 8.2.95……"

The petitioner claims that he possess the qualification of S.S.C and I.T.I Fitter and appointed as N.M.R Helper in APSEB on 27.10.1977 and worked as such till 31.12.1977, and worked as Fitted Grade II from 1.1.1978 to 28.3.1978 and again from 29.3.1978 to 27.6.1978 and thereafter worked as Fitter Grade I from 28.6.1978 to 28.2.1981. That the second respondent vide memo dated 14.7.1994 issued seniority list of O&M Staff Inst. Mechanics (Category) working in Srisailam Hydal Electricity Project placing the petitioner as junior to third respondent. Aggrieved by the said action, petitioner made a representation dated 28.7.1994 requesting to rectify the mistake and to

place him above the third respondent, however, the first respondent vide proceedings dated 5.1.1995 rejected his claim on the ground that the third respondent was drawing higher emoluments than the petitioner. Thereafter the second respondent issued a final seniority list dated 8.2.1995 placing the petitioner next to third respondent, for which the petitioner submitted his objections vide his representation dated 3.1.1998 to the first respondent. Since no action is taken thereon, the present writ petition is filed.

The writ petition is admitted on 24.3.1998 and the notices were served on all the respondents. In spite of service of notice, no counter affidavit is filed in the matter contradicting the allegations made in the writ petition by the official respondents 1 and 2. Notice was also served on unofficial respondent no.3, however, there is no representation. Today, when the matter is taken up, none appeared for respondents 1 and 2 nor any representation made on their behalf. In the circumstances, this Court has no option, except to dispose of the matter based on the material available on record.

The petitioner claims that he is senior to the third respondent and submitted a representation dated 3.1.1998 with a comparative statement of his service in comparison to the third respondent, which is as under.

S.No.	Service details of petitioner / Y.Koteswara Rao	Service details of third respondent /K.Venkata Reddy
1	From 27.10.77 to 31.12.77 worked as Helper From 1.1.1978 to 28.3.1978 worked as Fitter Gr.II	During this period he was not appointed.

2	From 29.3.1978 to 27.6.1978 worked as Fitter Gr.II From 28.6.1978 to 7.3.1979 worked as Fitter Gr.I	He was appointed as Man Mazdoor w.e.f. 29.3.1978 and worked as Helper from 16.5.1978 to 7.3.1979
3	From 8.3.1979 to 28.2.1981 worked as Fitter Grade I (in the minimum monthly pay of Rs.450/-)	From 8.3.1979 as Compressor Operator Grade I. From 18.1.1980 worked as Operator Gr.I (in the minimum monthly pay of Rs.475/-)

The petitioner in his representation dated 3.1.1998 specifically contends that during his NMR service in the respondent Board, the third respondent is not in service and even by the date of appointment of the third respondent on 18.1.1980 he was drawing higher emoluments and alleges that over-looking his long seniority, the third respondent was appointed as Operator Grade I. The respondents have neither disposed of the said representation of the petitioner nor filed a counter affidavit in the matter contradicting the averments made by the petitioner. Hence, the writ averments accepted as true and correct and the writ petition is allowed. No costs.

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N.V.RAMANA,J

DATE: 4.4.2007
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